IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.BALAKRISHNAN NAIR

WEDNESDAY, THE 14TH MARCH 2007 / 23RD PHALGUNA 1928

WP(C).No. 4611 of 2007(Y)

PETITIONER:

VELUKUTTY, S/O.KUNHAYYAPPAN,
AGED 67 YEARS, KARTHIKA,
KOLAMPARAMBU, AYYANTHOLE,
THRISSUR.

BY ADV. SRI.JIJO PAUL.

RESPONDENTS:
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1. **THE ADDITIONAL DISTRICT MAGISTRATE,**
   THRISSUR.

2. **THE KERALA STATE ELECTRICITY BOARD,**
   REPRESENTED BY SECRETARY,
   VYDHYUTHI BHAVAN, TRIVANDRUM.

3. **THE ASST. EXECUTIVE ENGINEER,**
   ELECTRICAL SUB DIVISION,
   K.S.E.B., VIYYUR.

4. **P.A.SUBRAMANIAN, PERINGOTTUKARAN HOUSE,**
   PADOOKKAD, P.O., VIYYUR,
   THRISSUR DISTRICT.

5. **P.K.RAMAN, PLAVINKOOTTATHIL HOUSE,**
   PADOOKKAD, P.O., VIYYUR,
   THRISSUR DISTRICT.

6. **KOCHUNNI, KOPPAYI HOUSE,**
   PADOOKKAD, P.O., VIYYUR,
   THRISSUR DISTRICT.

W.P.(C). NO.4611/2007:

7. ARAVINDAKSHAN, PLAVINKOOTTATHIL HOUSE,
PADOOKKAD, P.O., VIYYUR,
THRISSUR DISTRICT.

8. ALICE JOB, W/O. JOB C.GEORGE,
CHIRIYANKANDATH HOUSE, A/D MITHIRPARK,
AYYANTHOLE P.O., THRISSUR DISTRICT.

9. SAROJINI, PLAVINKOOTTATHIL HOUSE,
PADOOKKAD, P.O., VIYYUR,
THRISSUR DISTRICT.

10. RAMAN EZHUTHASSAN, S/O. KOPPAYI KUNJAN,
PADOOKKAD, P.O., VIYYUR, THRISSUR DISTRICT.

11. SANKARANKUTTY, CHIKILIYATH HOUSE,
PADOOKKAD, P.O., VIYYUR, THRISSUR DISTRICT.

12. RADHAKRISHNAN, CHIKILIYATH HOUSE,
PADOOKKAD, P.O., VIYYUR, THRISSUR DISTRICT.

13. S.THOMAS, ELENGIKKAL HOUSE,
SANKARAPURAM, POOMKUNNAM,
THRISSUR DISTRICT.

14. P.RADHAKRISHNAN, 3/354 F,
'SRIVALSAM', WHITEFIELD COLONY,
VIYYUR, THRISSUR DISTRICT.

15. MANJU, W/O. VAHIDH,
CHENETHUPARAMBIL HOUSE,
PANANGATTUKARA, VADAKKANCHERY P.O.

16. C.PREMARAJAN, 354/2 KAILASAM
WHITEFIELD COLONY, VIYYUR,
THRISSUR DISTRICT.

BY ADV. SRI.JOSE J.MATHEIKEL, SC, KSEB,
GOVT. PLEADER SMT. N. SUDHADEVI.

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 14/03/2007,THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

W.P.(C). NO.4611/2007:

APPENDIX

PETITIONER'S EXHIBITS:

EXT.P.1: COPY OF THE DOCUMENT NO. 1531/99 DTD. 16/03/1999 EVIDENCING THE OWNERSHIP OF THE PETITIONER IN THE PROPERTY.

EXT.P.2: COPY OF THE DOCUMENT NO. 7147/1/94 DTD. 07/10/1994 EVIDENCING THE OWNERSHIP OF THE PETITIONER IN THE PROPERTY.

EXT.P.3: COPY OF THE NOTICE DTD. 21/08/2006 ISSUED BY THE R.1.

EXT.P.4: COPY OF THE NOTICE DTD. 15/11/2006 ISSUED BY THE R.1.

EXT.P.5: COPY OF THE ORDER NO. C4/24582 K. DIS. DTD. 03/02/2007 PASSED BY THE R.1.

EXT.P.6: COPY OF THE MASS PETITION SUBMITTED TO THE R.1. BY ONE P.K. RAMAN & OTHERS DTD. 27/01/2006.

//TRUE COPY//

prv.

K.BALAKRISHNAN NAIR,J.

WP(C)NO.4611 OF 2007-Y

Judgment

The petitioner is challenging Ext.P5 order of the Additional District Magistrate, giving sanction for drawing a 33 KV electricity line through his property. The main ground of attack against the said order is that he was not given notice of the hearing held on 09.01.2007. A counsel appeared and submitted on behalf of the petitioner at the time of hearing that he does not have any objection in drawing the line as approved by the Additional District Magistrate in Ext.P5. But, the petitioner submits, he did not engage any lawyer to appear before the Additional District Magistrate and plead for him. The order has been passed without hearing him and in violation of the principles of natural justice. Therefore, he seeks to quash it, to the extent it concerns him. In view of the submissions made by the petitioner, the files were called for. It is seen from the files that no notice was served on the petitioner for the meeting held on 09.01.2007. It is also evident from the files that the petitioner has not signed the vakalath presented by the counsel, who appeared for him before the Additional District Magistrate. Therefore, the contention of the petitioner has to be accepted. So, Ext.P5, to the extent it concerns drawing of the line over the petitioner's property, is quashed. The first respondent is directed to afford an opportunity of being heard to the petitioner, the third respondent and also other affected persons, if any and pass fresh orders, concerning drawing of the line over the petitioner's property, in accordance with law within one month from the date of

receipt of a copy of this Judgment. The petitioner shall produce a copy of this Judgment before the 1st respondent within two weeks from today.

The Writ Petition is disposed of as above.

14.03.2007 **K.BALAKRISHNAN NAIR,JUDGE**

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